

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHRISTIAN POWELL,

Plaintiff,

v.

21-CV-00721

CITY OF JAMESTOWN,
CITY OF JAMESTOWN CLERK,
JAMESTOWN POLICE DEPARTMENT,
JAMESTOWN POLICE CHIEF TIMOTHY
JACKSON,
COUNTY OF CHAUTAUQUA,
CHAUTAUQUA COUNTY SHERRIFF'S OFFICE,
CHAUTAUQUA COUNTY SHERRIFF JAMES B. QUATTRONE,
CHAUTAUQUA COUNTY UNDERSHERRIFF
DARRYL W. BRALEY,
JOHN DOES 1-10, said names being fictitious but
intended to be any other individual/officers involved
in the within incident and employees of the
CITY OF JAMESTOWN and/or JAMESTOWN POLICE
DEPARTMENT in their individual and official
capacities, and
JOHN DOES 1-10, said names being fictitious
but intended to be any other individual/officers involved
in the within incident and employees of the
COUNTY OF CHAUTAUQUA and/or
CHAUTAUQUA COUNTY SHERRIFF'S OFFICE in
their individual and official capacities,

Defendants.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §1446, Defendants City of Jamestown, City of Jamestown Clerk, Jamestown Police Department, Jamestown Police Chief Timothy Jackson, and John Does 1-10, hereby consent and join in the removal, along with Defendants County of Chautauqua and related Defendants, of the action pending in the State of New York, entitled Christian Powell c. City of Jamestown, City of Jamestown Clerk, Jamestown Police Department, Jamestown Police Chief Timothy Jackson, County of Chautauqua , Chautauqua County Sheriff's Office, Chautauqua County Sheriff James

B. Quattrone and Chautauqua County Undersheriff Darryl W. Braley, to the United States District Court, Western District of New York, and that this Notice of Removal, together with a copy of all process, pleadings and orders, have been filed in the Office of the United States District Court for the Western District of New York.

The grounds for removal are as follows:

1. On or about May 28, 2021, Plaintiff commenced an action against Defendants in the State of New York, County of Chautauqua, index number EK12021000803, with the above caption, by filing of a Summons and Complaint (Exhibits A). The Summons and Complaint were served on or about June 2, 2021. Less than thirty (30) days have passed since the receipt of the Summons and Complaint by the City of Jamestown Defendants.

2. Plaintiff's Summons and Complaint alleges that Defendants violated his rights under the United States Constitution and brings a claim pursuant to U.S.C. §1983.

3. As a civil action arising under the Constitution, laws or treaties of the United States, this Court has original jurisdiction pursuant to 28 U.S.C. §1331.

4. This court has supplemental jurisdiction over the claims asserted pursuant to 28 U.S.C. §1367, because those claims form part of the same case or controversy as Plaintiff's claim under 42 U.S.C. §1983.

5. This action is removable to the Court pursuant to 28 U.S.C. § 1441.

6. Pursuant to 28 U.S.C. §1446, not more than thirty (30) days have lapsed since Defendants received Plaintiff's Summons and Complaint. Written notice of the filing of this notice of removal along with all attachments hereto, has been provided to Plaintiff's Counsel. The written notice of filing and a copy of this notice of removal will be filed with the Clerk of the Supreme Court of the County of Chautauqua contemporaneously with the filing in this Court.

WHEREFORE, the Defendants City of Jamestown, City of Jamestown Clerk, Jamestown Police Department, Jamestown Police Chief Timothy Jackson, County of Chautauqua and JOHN DOES 1-10, said names being fictitious but intended to be any other individual/officers involved in the within incident and employees of the City of Jamestown and/or Jamestown Police Department, request that the action pending against it in the State of New York, County of Chautauqua, be removed to this Court.

DATED: June 17, 2021

~~Howell, Esq.~~

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